

# EXHIBIT K

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**From:** Saelao, Rebecca Snavely  
**Sent:** Tuesday, February 17, 2009 5:41 PM  
**To:** Kaplan, Lee; Duvvuri, Raj  
**Cc:** 'Thomas Walsh'; 'Ramon Tabtiang'; 'Jennifer Kash'; 'Claude M. Stern'; 'Mark Baker'; Hung, Richard S. J.; Ho, Francis C.; Knisely, Cyndi L.  
**Subject:** SRA v. Google et al. Stipulation & Order  
  
**Attachments:** Stipulation and Order FRE 502 - 1.DOC

Lee,

Per our discussion last week, regarding a stipulation relating to Yahoo!'s pending motions to compel Wilson Sonsini and Murray & Murray, attached is a proposed stipulation and order pursuant to Federal Rule of Evidence 502(d).

Please let us know your comments and whether you are amenable to this stipulation. We have not yet raised this proposal with counsel for Wilson Sonsini and Murray & Murray, but will do so if the proposed stipulation is acceptable to you.

Thank you,

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Stipulation and  
Order FRE 502 ...

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

SOFTWARE RIGHTS ARCHIVE, LLC,

Case No. Misc. Action C-09-80004

(Case No. 2:07-cv-511 (CE) pending in the  
Eastern District of Texas)

v.

**STIPULATED ORDER PURSUANT TO  
FEDERAL RULE OF EVIDENCE 502(d)**

Defendant.

GOOGLE INC., YAHOO! INC., IAC  
SEARCH & MEDIA, INC., AOL LLC,  
and LYCOS, INC.

**Defendant.**

**STIPULATION & [PROPOSED] ORDER**  
**Misc. Action C-09-80004**

sf-2644746

1           WHEREAS, defendant Yahoo! Inc. served a subpoena relating to this litigation from the  
2 Northern District of California on Wilson, Sonsini, Goodrich & Rosati (“WSGR”) on September  
3 17, 2008, for documents relating to Site Technologies, Inc. (“Site”);

4           WHEREAS, defendant Yahoo! Inc. served a second subpoena relating to this litigation  
5 from the Northern District of California on Murray & Murray, P.C. on December 22, 2008, also  
6 for documents relating to Site;

7           WHEREAS, in response to those subpoenas, counsel for plaintiff Software Rights  
8 Archive, LLC (“SRA”) asserted the privilege on Site’s behalf and objected to WSGR’s and  
9 Murray & Murray’s production of documents responsive to these subpoenas, and WSGR and  
10 Murray & Murray produced no documents in reliance on these privilege assertions;

11          WHEREAS, defendants Yahoo!, Google Inc., IAC Search & Media, Inc., AOL, LLC, and  
12 Lycos, Inc. (collectively, “Defendants”) disputed and continue to dispute whether SRA’s counsel  
13 may validly assert the attorney-client privilege on Site’s behalf or represent Site’s interests and  
14 whether any privilege protects any responsive documents;

15          WHEREAS, Yahoo! has filed two motions to compel compliance with the subpoenas in  
16 Miscellaneous Action No. C-09-80004, currently pending in the Northern District of California,

17          WHEREAS, to conserve party and judicial resources, Defendants, SRA, WSGR, and  
18 Murray & Murray, wish to resolve the pending motions to compel by agreeing and stipulating and  
19 agree and stipulate that Defendants may review documents responsive to Yahoo!’s subpoenas to  
20 WSGR and Murray & Murray, subject to a claw-back provision in the event of an assertion of  
21 privilege as to any produced documents; and

22          WHEREAS, Defendants, SRA, WSGR, and Murray & Murray further wish to resolve the  
23 pending motions to compel by agreeing and stipulating and agree and stipulate that WSGR’s and  
24 Murray & Murray’s production of documents responsive to Yahoo!’s subpoenas and Defendants  
25 review of these same documents will not result in a waiver of any extant privilege; and

26          WHEREAS, Defendants, SRA, WSGR, and Murray & Murray agree and stipulate that  
27 Defendants have not waived their rights to dispute or re-raise whether SRA’s counsel may validly  
28

1 assert the attorney-client privilege on Site's behalf or represent Site's interests or whether any  
2 privilege protects any responsive documents;

3 THEREFORE, the parties, WSGR, and Murray & Murray jointly request that the Court  
4 enter the following ORDER:

5 Pursuant to Federal Rule of Evidence Rule 502(d), production of documents responsive to  
6 Yahoo!'s subpoenas on WSGR and Murray & Murray and Defendants review of these same  
7 documents will not result in a waiver of any extant privilege.

8 IT IS SO ORDERED.

9  
10 Dated: \_\_\_\_\_, 2009

11 By: \_\_\_\_\_

12 Hon. Ronald M. Whyte  
United States District Judge

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